

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:)	CASE NO: 09-53236
)	Chapter 13
Thomas Michael Studer)	
)	
Debtor(s).)	Judge Marilyn Shea-Stonum
)	
		<u>OBJECTION TO ALLOW-</u>
		<u>ANCE OF CLAIM</u>

Now comes the above-captioned debtor, by and through the undersigned counsel, who objects to the claim of BMW Financial Services, a creditor herein, filed herein as a secured claim in the amount of \$26,088.60, designated herein as proof of claim no. 2. The debtor states that pursuant to his plan, he has surrendered the vehicle that was the security for this claim to the creditor and therefore this creditor does not hold a secured claim to be paid in the debtor's chapter 13 plan.

WHEREFORE, the debtor prays for the entry of an order disallowing this claim and for such other and further relief as may be equitable and just.

Respectfully Submitted,

/s/ Robert M. Whittington, Jr.

Robert M. Whittington, Jr. 0007851
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IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:)	CASE NO: 09-53236
)	Chapter 13
Thomas Michael Studer)	Judge Marilyn Shea-Stonum
)	<u>NOTICE OF OBJECTION TO</u>
)	<u>CLAIM</u>
Debtors.)	

The debtor has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then or before April 19, 2010, you or your lawyer must file with the Court a written response to the objection explaining your position at room 455, U.S. Courthouse, 2 S. Main Street, Akron, Ohio 44308.

If you mail your response to the Court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Robert M. Whittington, Jr., 1023 Key Bldg., 159 S. Main Street, Akron, OH
44308

Keith Rucinski, chapter 13 trustee, I Cascade Plaza, #2020, Akron, OH 44308

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to your claim.

DATE: March 15, 2010

Robert M. Whittington, Jr., 0007851
Attorney for the Debtor(s)
1023 Key Bldg.
159 S. Main St.
Akron, OH 44308
(330) 384-8484

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing objection and notice thereof was sent by ordinary U.S. Mail, postage prepaid, this 15th day of March, 2010 to those parties whose names and complete addresses appear below:

Keith Rucinski, chapter 13 trustee
I Cascade Plaza, #2020
Akron, OH 44308

BMW Financial Services
Attn: Officer or General Counsel
P.O. Box 3608
Dublin, OH 43016-0306

U.S. Trustee
201 Superior Ave. E. #441
Cleveland, OH 44114

/s/ Robert M. Whittington, Jr.